

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA

VS.

CRIMINAL CASE NO. 3:17cr72CWR-FKB

**JOSHUA MICHAEL GARCIA and
JAMISON LAYNE TOWNSEND**

ORDER WAIVING FEE FOR PRO HAC VICE ADMISSION

This matter came before the Court on an inquiry by counsel for Jamison Layne Townsend as to whether out of state co-counsel, who was appointed by this Court to represent Townsend, was required to submit a filing fee with his Application for Pro Hac Vice Admission. L.U.Civ.R. 83.1(d)(5) requires that the fee be tendered to the Court along with the Application, unless the attorney is exempt by virtue of employment with a nonprofit legal services organization or is applying to appear for an indigent habeas petitioner and will not be compensated under the Criminal Justice Act. This provision conflicts, however, with the following language from Vol. VII of The Guide to Judiciary Policy:

§ 230.66.30 Filing Fees

Attorneys are not required to pay a filing fee in a CJA case, as such payment and reimbursement thereof is tantamount to the government billing itself to accomplish a transfer of appropriated funds into the General Fund of the Treasury.

The Court being of the opinion that the language from *The Guide* is controlling in this circumstance, is of the opinion that the requirement of a filing fee should be waived.

IT IS, THEREFORE, ORDERED that John Bailey, co-counsel for Jamison Layne Townsend, may submit his Application for Admission Pro Hac Vice without submitting the fee for his application.

It is so ordered, this the 17th day of May, 2019.

s/Carlton W Reeves
UNITED STATES DISTRICT JUDGE